

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

THOMAS EARL CRAIN

PLAINTIFF

v.

CAUSE NO. 1:14CV144-LG-JCG

**CAROLYN W. COLVIN, Acting
Commissioner of Social Security**

DEFENDANT

ORDER ADOPTING REPORT AND RECOMMENDATION

BEFORE THE COURT is the Report and Recommendation [21] entered by United States Magistrate Judge John C. Gargiulo. Thomas Earl Crain did not file an objection to the Report and Recommendation. After reviewing the record in this matter and the applicable law, the Court finds that the Report and Recommendation should be adopted as the opinion of this Court.

BACKGROUND

Crain seeks judicial review of the Commissioner's decision to deny his claim for disability insurance under Title II of the Social Security Act, 42 U.S.C. §§ 416(i), 423. He filed a Motion for Summary Judgment [17] seeking reversal of the Commissioner's decision. After the Motion was fully briefed by the parties, Judge Gargiulo entered a Report and Recommendation proposing that the Motion for Summary Judgment should be denied and that the Commissioner's decision should be affirmed.

DISCUSSION

Where no party has objected to the Magistrate Judge's proposed findings of fact and recommendations, the court need not conduct a de novo review of it. *See* 28

U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made.”). In such cases, the court need only satisfy itself that there is no clear error on the face of the record. *Douglass v. United Serv. Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996).

Having conducted the required review, the Court finds that Judge Gargiulo’s Report and Recommendation is neither clearly erroneous nor contrary to law. Therefore, the Report and Recommendation entered by Judge Gargiulo is adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Report and Recommendation [21] entered by United States Magistrate Judge John C. Gargiulo, on August 1, 2016, is **ADOPTED** as the opinion of this Court. The Commissioner’s decision is **AFFIRMED**. A separate judgment will be entered pursuant to Fed. R. Civ. P. 58(a).

IT IS, FURTHER, ORDERED AND ADJUDGED that the Motion for Summary Judgment [17] filed by Thomas Earl Crain is **DENIED**.

SO ORDERED AND ADJUDGED this the 24th day of August, 2016.

s/ Louis Guirola, Jr.
LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE